|    | i   |  |  |
|----|---|--|--|
| 1  | [THE NAMES, ADDRESSES AND   |  |  |
| 2  | TELEPHONE NUMBERS OF ALL<br>COUNSEL WHO HAVE SIGNED   |  |  |
| 3  | THIS JOINT STATEMENT ARE<br>LISTED ON THE SIGNATURE PAGES]  |  |  |
| 4  | -   |  |  |
| 5  | UNITED STATES DISTRICT COURT  |  |  |
| 6  | FOR THE NORTHERN DISTRICT OF CALIFORNIA   |  |  |
| 7  |   |  |  |
| 8  | IN RE NATIONAL SECURITY AGENCY )  | MDL Docket No 06-1791 VRW                                    |  |
| 9  | TELECOMMUNICATIONS RECORDS LITIGATION, MDL No. 1791   | STIPULATION AND [PROPOSED]                                   |  |
| 10 | This Document Relates To All Cases Except   | ORDER RE BRIEF LENGTH ON DEFENDANTS MOTION TO DISMISS        |  |
| 11 | Al-Haramain Islamic Foundation, Inc. v.   | OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT                 |  |
| 12 | Bush, No. 07-00109 Center for Constitutional Rights v. Bush,  |  |  |
| 13 | No. 07-01115<br>Guzzi v. Bush, No. 06-06225   | Courtroom: 6, 17th Floor<br>Judge: The Hon. Vaughn R. Walker |  |
| 14 | Shubert v. Bush, No. 07-00693<br>United States v. Adams, No. 07-01323                                 | Date: December 2, 2008<br>Time: 10:00 a.m.                   |  |
| 15 | United States v. Clayton, No. 07-01242<br>United States v. Palermino, No. 07-                         |  |  |
| 16 | 01326<br>United States v. Rabner, No. 07-01324  |  |  |
| 17 | United States v. Volz, No. 07-01396   |  |  |
| 18 |   |  |  |
| 19 | During the Case Management Conference   | e held in this case on September 12, 2008, the               |  |
| 20 | Court set a briefing schedule and page limits for briefs for Defendants Motion to Dismiss or, in the  |  |  |
| 21 | Alternative, for Summary Judgment, limiting each side to 85 pages of briefs in total.                 |  |  |
| 22 | The Schedule provided that the Government's opening brief be no more than 25 pages                    |  |  |
| 23 | Plaintiffs opposing brief be no more than 40 pages, the Government's reply be no more than 30         |  |  |
| 24 | pages, the Carriers' joint brief be no more than 30 pages and the Plaintiffs response to the Carriers |  |  |
| 25 | brief be no more than 45 pages.   |  |  |
| 26 | Because of the length and complexity of the arguments Plaintiffs wish to raise in                     |  |  |
| 27 | opposition, they have asked Defendants and the carriers to agree to allow them to "swap" 10 page      |  |  |
| 28 |   |  |  |
| _0 | A .   |  |  |

## from their final brief and add them to their opposition brief. Defendants have agreed to this in 1 2 exchange for Plaintiffs' agreement that the Government be allowed to add five pages to their reply 3 brief, noting that the Government did not use all 25 pages it was allowed for its opening brief. 4 Plaintiffs have agreed to this change. 5 This stipulation does not change the overall number of pages to be filed by any party. Accordingly, the parties stipulate to the following page limits for the remaining briefs: 6 7 1. Plaintiffs' Opposition: 50 pages 8 2. Government Reply: 35 pages 9 Carrier Brief: 30 pages 3. 10 4. Plaintiffs' Response to Carrier Brief: 35 pages. 11 12 ELECTRONIC FRONTIER FOUNDATION DATED: September 24, 2008 13 By 14 Cindy A. Cohn, Esq. (SBN 145997) Lee Tien, Esq. (SBN 148216) 15 Kurt Opsahl, Esq. (SBN 191303) Kevin S. Bankston, Esq. (SBN 217026) 16 Corynne McSherry, Esq. (SBN 221504) James S. Tyre, Esq. (SBN 083117) 17 454 Shotwell Street San Francisco, CA 94110 18 Telephone: (415) 436-9333 x108 Facsimile: (415) 436-9993 19 ATTORNEYS FOR AT&T CLASS 20 PLAINTIFFS AND CO-CHAIR OF PLAINTIFFS' EXECUTIVE COMMITTEE 21 22 23 24 25 26 27 28

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| Dated: September 24, 2008  | Respectfully submitted,   |
|--|---|
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| Attorneys for the United States  | Attorneys for the Verizon Defendants                                      |
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ON DEFENDANTS MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

| 1  |   |   |  |
|----|---|---|--|
| 2  | FOR THE DEFENDANTS                                  | FOR THE DEFENDANTS  |  |
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| 5  | Washington, D.C. 20005<br>202-434-5000              | ERIC A. SHUMSKY<br>1501 K Street, N.W.                          |  |
| 6  |   | Washington, DC 20005  |  |
| 7  | By: /s/ John G. Kester                              | PILLSBURY WINTHROP<br>SHAW PITTMAN LLP                          |  |
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| 12 |   | Dv. /o/   |  |
| 13 |   | By: /s/<br>Bradford A. Berenson                                 |  |
| 14 |   | Attorneys for the AT&T, Cingular, and                           |  |
| 15 |   | BellSouth Defendants  |  |
| 16 |   | <u>ORDER</u>  |  |
| 17 | Based upon the stipulation provide                  | ed above, the following shall be the page limits for the        |  |
| 18 | remaining briefs:                                   |   |  |
| 19 | 1. Plaintiffs' Opposition                           | Plaintiffs' Opposition: 50 pages                                |  |
| 20 | 2. Government Reply:                                | Government Reply: 35 pages                                      |  |
| 21 | 3. Carrier Brief: 30 pag                            | ges   |  |
| 22 | 4. Plaintiffs' Response                             | e to Carrier Brief: 35 pages.                                   |  |
| 23 | Dated: 9/30/2008                                    | By: StAt  |  |
| 24 |   | The Honorable Vaughn Walker United States Diet IT IS SO ORDERED |  |
| 25 |   | IT IS SO ON   |  |
| 26 |   | Judge Vaughn R Walker   |  |
| 27 |   | Judge   |  |
| 28 |   | -3-   |  |
|    |   | -3-   |  |

MDL No. 06-1791-VRW STIPULATION AND [PROPOSED] ORDER RE BRIEF LENGTH ON DEFENDANTS MOTION TO DISMISS OR, IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT